

REMARKS

In the Office Action of August 10, 2004, claims 14-24 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite since no embodiment is disclosed showing a single member having two openings. Claims 1-3, 5, 6, 8-17, 19-26, 28-30, 32-37 were rejected under 35 U.S.C. 102(b) as being anticipated by Stanich, U.S. Patent No. 4,882,918 ('918). Claims 4 and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stanich '918 in view of Elsfelder et al., U.S. Patent No. 5,219,384 ('384). Claims 7, 18 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stanich '918 in view of Anderson, U.S. Design Patent D330,843.

Claims 14-24 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite since no embodiment is disclosed showing a single member having two openings. Accordingly, Applicant submits a new drawing sheet having a single figure, FIG. 8 showing another embodiment of the present invention. The embodiment in FIG. 8 shows a lock protector having a face plate with a member extending from the rear surface of the face plate, the member including two horizontally and vertically spaced openings. Applicant submits that no new matter has been added since the specification as filed disclosed the features shown in newly submitted FIG. 8, particularly in claims 14-24. Four replacement sheets and a new drawing sheet are attached herewith and are marked as such. Annotated drawings sheets are not included. The only changes made to drawings sheets 1-4 are changes to the indicted total sheet count. Applicant believes that the submission of FIG. 8 overcomes the rejection of claims 14-24 under 35 U.S.C. 112, second paragraph. Therefore, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Applicant has amended the specification by adding three new paragraphs to describe newly added FIG. 8. Applicant submits that no new matter has been added since as stated

AMENDMENTS TO THE DRAWINGS

A new drawing sheet having only one figure, FIG. 8 is being added to the present application. The embodiment of FIG. 8 shows a lock protector having a face plate with a member extending from the rear surface of the face plate, the member including two horizontally and vertically spaced openings among other things. No new matter has been added since the specification as originally filed disclosed the features shown in FIG. 8, particularly in claims 14-24,

Applicant encloses herewith four replacement drawing sheets and the above-noted new drawing sheet. The only changes made to the original drawings sheets 1-4 are to change the indicted total number of sheets from 4 to 5. No changes have been made to the figures shown in sheets 1-4.

above the specification as originally filed, which includes the claims, disclosed the features embodied in FIG. 8.

Claims 1-3, 5, 6, 8-17, 19-26, 28-30, 32-37 were rejected under 35 U.S.C. 102(b) as being anticipated by Stanich U.S. Patent No. 4,882,918. Applicants have amended independent claims 1, 14, 25, and 37 to further clarify that the shield or face plate overlies, shields or covers substantially all of the shackle. In addition, these claims have been amended to further clarify that the padlock is not being claimed by including the features of the padlock in the preamble section of these claims. Amendments to claims 6, 8, and 11 also reflect this change. Support for these changes can be found throughout the specification, particularly in paragraphs [0013], [0017], [0020] and [0021] and FIGS. 1, 2, 4 and 6.

Claims 6, 17 and 30 have also been amended to recite that the shield, or face plate overlies, shields or covers, respectively, the shackle by an amount significantly beyond the dimensional extent of the shackle and overlies, shields, or covers a portion of the body of the padlock. Support for these changes can be found throughout the specification, particularly in paragraphs [0013], [0017], [0020] and [0021] and FIGS. 1, 2, 4 and 6.

Applicant respectfully submits that the combination of features recited by amended claims 1, 4, 25 and 37 are not taught or suggested by Stanich alone or in combination with the other cited references of record. Stanich discloses a cover for the body portion of a padlock to improve the padlock's appearance and make it more readily distinguishable. The cover disclosed by Stanich leaves the shackle exposed and does not prevent tampering access to the shackle. In other words, the cover of Stanich does not overlie, shield or cover substantially all of the shackle and fails to achieve the purpose of preventing tampering access to the shackle. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of independent claims 1, 14, 25 and 37.

Claims 2, 3, 5, 6, 8-13, 15-17, 19-24, 26, 28-30, and 32-36 being dependent on newly amended claims 1, 14, and 25 recite features not taught or suggested by Stanich alone or in combination with the other cited references of record at least as indicated above with respect to the independent claims. In addition, these dependent claims are patentably distinct and recite features that are not taught or suggested by the cited references, alone or in combination. Therefore, Applicant respectfully requests reconsideration and withdrawal of this rejection of these dependent claims.

Claims 4 and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stanich in view of Elsfelder et al. and claims 7, 18, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stanich in view of Anderson. However, since claims 4, 7, 18, 27 and 31 depend from newly amended claims 1, 14, and 25, these claims recite features not taught or suggested by Stanich '918 in combination with Elsfelder et al. or Anderson at least as indicated above with respect to the independent claims. In addition, claims 4, 7, 18, 27, and 31 are patentably distinct and recite features that are not taught or suggested by the cited references, alone or in combination.

Claims 12 and 24 have been canceled and new claims 38-42 have been added. No new matter has added with the addition of claims 38-42. Applicants submit that support for claims 38 and 39 can be found throughout the specification, particularly in paragraph [0023] and FIG. 7. Support for claims 40-42 can also be found throughout the specification, particularly in paragraphs [0013], [0017], [0020] and [0021] and FIGS. 1, 2, 4, and 6.

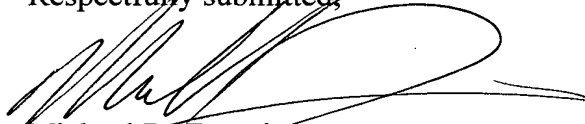
For at least the reason given above, Applicant submits that the claims are now in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and withdrawal of all the rejections and that a Notice of Allowance be issued forthwith.

Applicants enclose herewith a check for twenty seven dollars (\$27.00) for three additional dependent claims. It is believed that no other fees are due with this reply.

Serial No. 09/704,244
Amendment Dated 11/10/2004
Reply to Office Action of 08/10/2004

However, if other fees should be required, the Commissioner is authorized to charge our
Deposit Account No. 50/1039.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael D. Zaronias', written over a horizontal line.

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Attachments (5 sheets)

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